FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO.118 Of 2006
Along with
Civil Application No.211 of 2006

| Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
|---|---|

Mr P.D.Dalvi, for the appellants.
Mr S.M.Kamble,for the respondent.

CORAM: D.B.BHOSALE,J.
DATED: 13.02.2007

**P.C.**:

Heard the learned counsel for the parties.

Mr.Kamble, learned counsel for the respondent, at the outset, submits that the suit property does not exist as of today and has already been demolished by the corporation. Having confronted with this statement, Mr Dalvi, learned counsel for the appellants, submitted that the statement made by Mr Kamble, is not correct and the property does exist even today. In view of this, both the learned counsel have fairly stated that I need not record reasons on

merits of the case and they have agreed for the following order

(i) If the suit property, as described in paragraph (1) of the Plaint, has not been demolished and is in existence even today, the respondent-defendant shall not have any objection and shall allow the appellants-plaintiffs to carry out tenantable repairs to make the tenement habitable within twelve weeks from today. For carrying out the repairs, permission, if any, of the local authority is necessary, the appellants shall obtain the same. While carrying out the repairs, the appellants shall not make any structural changes in the suit premises. With this observation, the appeal stands disposed of. As a consequence thereof, the civil application stands disposed of.

(D.B.BHOSALE,J.)